



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

3/11/26
JUL 17 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Gerstner, Jr., Chairman and CEO
International Business Machines Corporation
Old Orchard Road
Armonk, N.Y. 10504

Re: Revere Chemical Superfund Site
Notification of "Special Notice" Waiver

Dear Mr. Gerstner:

This letter notifies you that the United States Environmental Protection Agency ("EPA") has determined not to use the "special notice" procedures described in Section 122(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(e), for remedial design and remedial action response actions ("RD/RA") for Operable Unit No. 2 at the above-referenced Site. EPA chose No Further Action with Stream Corridor Monitoring as the selected alternative for this operable unit in a Record of Decision dated June 28, 1996. You were previously notified of your potential liability for this Site in a special notice letter for Operable Unit No. 1.

Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]here practicable and in the public interest" to "facilitate agreements . . . that are in the public interest and consistent with the National Contingency Plan in order to expedite remedial action and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), provides that EPA shall negotiate settlements with responsible parties whenever the Agency determines that "a period of negotiation . . . would facilitate an agreement with potentially responsible parties for taking response action . . . and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

Based upon the parties' inability to negotiate a Consent Decree to design and implement the ROD for OU-1, EPA has determined that "special notice" letters under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), would not expedite the sampling and analysis required under the monitoring provisions of the ROD for OU-2. EPA is therefore, waiving the special notice procedures. EPA nevertheless reserves all rights under applicable statutes and regulations including, but not limited to, the right to issue

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administrative orders directing responsible parties to perform response actions; the right to perform response actions using Federal monies and to seek to recover all costs from responsible parties; and the right to seek Federal court orders directing responsible parties to perform response actions.

The decision not to use the "special notice" procedures described herein does not preclude you from entering into discussions with EPA regarding your participation in response actions at the Revere Chemical Site. This decision simply means that EPA will not use the above-described procedures in conducting such discussions. EPA encourages all offers regarding settlement of this matter and cleanup of the Site. EPA will entertain offers regarding settlement of this matter for a period of fifteen (15) days from the date of this letter.

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA is required to establish an administrative record containing documents on which the Agency's selection of response actions for the Site is based. The administrative record files are available for public inspection at the following locations:

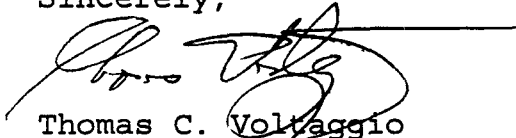
Nockamixon Township Building
Center Hill and Lake Warren Roads
Ferndale, PA 18921
(610) 847-5058

and

Anna Butch
Administrative Record Coordinator
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107
(215) 566-3157
Hours: Mon-Fri
8:30 AM - 4:30 PM

Please contact Pam Lazos, Senior Assistant Regional Counsel, at (215) 566-2658 if you have any questions concerning this letter.

Sincerely,



Thomas C. Voltaggio
Director
Hazardous Waste Management Division

cc: Bill Hutchins, DOJ
Matt Miller, PADEP